

**BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE & FAMILY THERAPISTS**

In the Matter of the License of:)	
)	Case No. COU-2009-15
GEOFFREY D. NUSBAUM, Ph.D.,)	
License No. LMFT-38,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Respondent.)	AND FINAL ORDER
)	

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Licensing Board of Professional Counselors and Marriage & Family Therapists (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Geoffrey D. Nusbaum ("Respondent") is a duly licensed marriage and family therapist in the State of Idaho holding License No. LMFT-38. Respondent's continued right to licensure is subject to Respondent's compliance with the laws of the Board codified at title 54, chapter 34, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.15.01, *et seq.*

2. On or about June 10, 2009, the Board received information that Respondent had engaged in a sexual relationship with a client during and within two (2) years after terminating therapy. It is alleged that the sexual relationship took place from the fall of 2008 through June 2009.

3. On or about July 1, 2009, Respondent voluntarily surrendered his license. In voluntarily surrendering his license, Respondent did not admit that these allegations are true, although he acknowledge his "failure to comply with Idaho Law, title 54, chapter 34, Idaho Code and the rules promulgated by the" Board. He also consented to the Board imposing discipline against him, including an order revoking or suspending his license and requiring him to pay a civil fine the Board's fees and costs to investigate and

prosecute this matter. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit A and is incorporated herein by this reference.

4. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed marriage and family therapist in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 34, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations, if proven, would constitute grounds upon which the Board may discipline Respondent for having violated the Counselors and Therapists Practice Act and Rules, including Idaho Code § 54-3407(5), Board Rule 350, and American Association for Marriage and Family Therapy Code of Ethics (2001) 1.3–1.5.

3. Pursuant to Idaho Code §§ 54-3407 and 67-2609(6) and (7), and Board Rule 500.02 and .03, such discipline may include revocation or suspension of the Respondent's license, and the imposition of a civil fine and the costs and fees incurred by the Board in the investigation and prosecution of this matter.

4. Respondent's voluntary surrender of licensure authorizes the Board to enter an order disciplining Respondent without further process.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown:

1. That License No. LMFT-38 issued to Respondent Geoffrey D. Nusbaum, Ph.D., including any renewal rights, is hereby REVOKED. Respondent may not apply to the Board for licensure during the five (5) year period following the date of this Order (the "revocation period"). Additionally, before applying for licensure, Respondent must

reimburse the Board for its investigative costs and attorney's fees incurred in this matter in the total amount of \$2,775.00. The Board will not consider any application from Respondent submitted until the revocation period has ended and Respondent has reimbursed the Board for these costs and fees.

2. If Respondent thereafter applies for licensure, Respondent must use the same application forms and provide the same information and items as would be required of a first time applicant. Additionally, Respondent must present the following information and items to the Board with his application:

a. A full written disclosure of the details surrounding the factual events addressed above in this Order.

b. Certified transcripts showing satisfactory completion of a minimum of fifteen (15) semester hours (or the equivalent quarter hours) of coursework covering certain subject matters. Respondent must request and obtain prior approval from the Board as to both the institution and coursework for which he is seeking credit. The subject matters to be covered are:

i. Ethics and boundaries between the therapist and clients; and

ii. Interpersonal relationships in therapy, transference, the dynamics between client and therapist, and issues of power and influence that the therapist inherently has over clients.

c. An executed release authorizing the Board and its agents to obtain any information, oral or written, as the Board may deem relevant to assist it in adequately review Respondent's request for licensure.

3. The Board's duty is to protect the public. Accordingly, pursuant to Idaho Code §§ 54-3405–54-3405C, as applicable, if and when Respondent applies for a license from the Board, Respondent must submit to a competency review by the Board. The

Board will not license Respondent unless the Respondent proves to the Board that he has accomplished an acceptable degree of rehabilitation.¹

4. Pursuant to Idaho Code § 54-3407, if the Board ultimately decides to reinstate Respondent's revoked license, it may do so upon such terms as the Board, in its discretion, may impose.²

5. Respondent is solely responsible for any and all costs that may arise from Respondent having to comply with the terms of this Order.

This order is effective immediately.

DATED this 7th day of October, 2009.

IDAHO STATE LICENSING BOARD OF
PROFESSIONAL COUNSELORS AND
MARRIAGE & FAMILY THERAPISTS

By Roberta Crockett
Roberta Crockett, Vice Chair

¹ The Board anticipates that evidence tending to demonstrate rehabilitation might include, by way of example and not limitation, that Respondent has completed therapy with a qualified mental health care provider regarding the events addressed in this Order, and that a qualified mental health care provider has opined that Respondent is able to function independently and safely as a marriage and family therapist and/or counselor.

² The Board presently does not know what terms it would impose if Respondent were to apply for a license five (5) or more years from now and the Board was to then issue Respondent a license. The Board intends that any such terms would protect the public, and the Board anticipates that its choice of terms would be informed by Respondent's evidence of rehabilitation and the Board's competency review. For example, and depending on the circumstances, the Board might issue Respondent a license, on a probationary basis, with terms requiring that Respondent be supervised for a specific period by a Board-approved supervisor at a Board-approved site, and that Respondent periodically provide the Board with self-evaluations and with evaluations from his supervisor. If warranted, the terms of licensure might also require that Respondent obtain or continue obtaining counseling or therapy from a Board-approved provider.

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the issuance date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the issuance date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7~~th~~ day of October, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Geoffrey D. Nusbaum, Ph.D.
PO Box 4449
Pocatello, ID 83205

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses

IDAHO BUREAU OF OCCUPATIONAL LICENSES

VOLUNTARY SURRENDER OF LICENSE

I, GEOFFREY D. NUSBAUM, hereby voluntarily surrender my license to practice as a Licensed Marriage and Family Therapist in the State of Idaho. I agree and consent that the surrender of my license to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my failure to comply with Idaho Law, title 54, chapter 34, Idaho Code, and the rules promulgated by the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice in the State of Idaho and agree to immediately discontinue the practice of Marriage and Family Therapy in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of Marriage and Family Therapy, title 54, chapter 34, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any registration/license renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my registration/license to practice, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code § 54-3404. I understand that the Board may enter an order either revoking or suspending my registration/license to practice based upon my voluntary surrender of my registration/license, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my registration/license to practice, all of the privileges associated with said registration/license are hereby surrendered until such time as I am again properly licensed. I understand that to regain a registration/license to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 34, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my registration/license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my registration/license or any registration/license application that I may submit.

I waive refund of any payments made by me in connection with my license under the Counselors and Therapists Act and any rules promulgated thereunder.

Name of Registrant/Licensee: Geoffrey D. Nusbaum

Registration/License No.: LMFT 38

Address: P.O. Box #4449 POCATELLO ID. 83205
street city zip

Signature of Registrant/Licensee or Authorized Individual: Geoffrey D. Nusbaum

Date: 07/01/09

Signature of Witness: Barbara P. Nusbaum

Date: 07/01/09

EXHIBIT

tabbles

A